

## KINGS COUNTY

## MOTOR VEHICLE

Question of Lights — Intersection — Broadside

## Plaintiff's injuries blamed on wrestling career, not auto crash

VERDICT (P) \$137,500

**CASE** Rafael Campos v. Keith Rambhanic & Basedo  
Rambhanic, No. 30427/00

**COURT** Kings Supreme

**JUDGE** Lewis L. Douglass

**DATE** 9/14/2004

**PLAINTIFF**

**ATTORNEY(S)** Patrick F. Bisogno, Bisogno & Meyerson  
L.L.P., Brooklyn, NY  
Liza Milgrim, Bisogno & Meyerson L.L.P.,  
Brooklyn, NY

**DEFENSE**

**ATTORNEY(S)** Joel Evans, Robert P. Tusa, Brooklyn, NY

**FACTS & ALLEGATIONS** On May 12, 1999, plaintiff Rafael Campos, 55, an exterminator, was involved in a motor vehicle collision at the intersection of Gates and Lewis avenues in Brooklyn. Campos claimed that he sustained a tear of his left shoulder's rotator cuff.

Campos sued the other driver, Keith Rambhanic, and the owner of Rambhanic's vehicle, Basedo Rambhanic. He alleged that Keith Rambhanic was negligent in the operation of his vehicle.

Campos claimed that Rambhanic entered the intersection under a red traffic signal, and that Rambhanic's vehicle struck the rear driver's side of his vehicle and caused it to spin twice. His claims were supported by a witness who was riding in his vehicle at the time of the collision.

Rambhanic claimed that he entered the intersection under a green signal. His witness failed to appear at the trial, and a missing-witness charge was granted.

**INJURIES/DAMAGES** *bulging disc, cervical; herniated disc at C3-C4; herniated disc at L4-L5; herniated disc at L5-S1; torn rotator cuff*

Campos claimed that he sustained an intrasubstance tear of his left, nondominant, shoulder's rotator cuff and herniated discs at C3-4, L4-5 and L5-S1, with impingement at C3-4. He also claimed that he suffered from a bulging disc at C4-5, with impingement.

Campos claimed that his injuries prevent him from resuming

exterminator work. He contended that he gave his business to his son, and that he performs only office work. However, he did not seek recovery of lost wages.

Campos acknowledged that he underwent a 1985 surgical procedure in which one of his lower-back nerves was moved, but he contended that he had been pain-free and able to perform his job thereafter. He asked the jury to award \$75,000 for his past pain and suffering and \$135,000 for 18 years of future pain and suffering.

The Rambhanics claimed that Campos underwent a laminectomy—surgical excision of a vertebral posterior arch—in 1985, but Campos disputed the claim. They also contended that Campos' herniations stemmed from body-slams sustained during his days as an amateur wrestler, in the 1970s and '80s.

**RESULT** The jury rendered a plaintiff's verdict. It found that Rambhanic was liable for the accident. It awarded Campos \$137,500.

**RAFAEL CAMPOS** \$75,000 past pain and suffering  
~~\$62,500 future pain and suffering (nine years)~~  
\$137,500

**DEMAND OFFER** \$17,500 (withdrawn during trial)  
\$10,000

**INSURER(S)** Allstate Insurance Co. for both defendants

**TRIAL DETAILS** Trial Length: 4 days  
Jury Deliberations: 35 minutes  
Jury Pool: 6-0  
Jury Composition: 2 male, 4 female

**PLAINTIFF EXPERT(S)** Roman M. Tabakman, M.D., physical  
medicine, Forest Hills, NY

**DEFENSE EXPERT(S)** Naunthal S. Singh, neurology, Bronx, NY

**POST-TRIAL** There is a pending plaintiff's motion.